

**SENATE CONCURRENT
RESOLUTION No. _____**

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION concerning the Indiana Utility
Regulatory Commission and the status of the telecommunications
industry in Indiana.

MERRITT, LONG, BORST, GARD,
WYSS, HERSHMAN, HOWARD,
LANANE, MRVAN

_____, read first time and referred to Committee on



SENATE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION concerning the Indiana Utility Regulatory Commission and the status of the telecommunications industry in Indiana.

Whereas, The Indiana Utility Regulatory Commission conducts hearings under procedures governed by statute and administrative rule;

Whereas, Goals of the federal Telecommunications Act of 1996 include competition in the local telephone market and deployment of advanced broadband services;

Whereas, Anticompetitive behavior in the telecommunications industry remains an ongoing problem;

Whereas, In its 2003 Triennial Review, the Federal Communications Commission took a deregulatory approach to the provision of broadband services;

Whereas, The Indiana Utility Regulatory Commission does not regulate wireless communications;

Whereas, The Indiana Utility Regulatory Commission currently issues certificates of territorial authority to telephone companies;

Whereas, The Indiana Utility Regulatory Commission



has recognized that the cost studies used to set the price of making unbundled network elements available to competitors in the telecommunications industry may need to be updated;

Whereas, The Indiana Utility Regulatory Commission has stated its intent to give companies every opportunity to update relevant costs and market information;

Whereas, SBC has an application pending before the Indiana Utility Regulatory Commission to provide intrastate, interLATA telecommunications services in Indiana; and

Whereas, The General Assembly encourages the Indiana Utility Regulatory Commission to expedite the commission's review of SBC's pending application to provide intrastate, interLATA telecommunications services in Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

1 SECTION 1. That the Indiana Utility Regulatory Commission
2 should establish a nine (9) month time frame in which to resolve cases
3 before the Commission. If the Commission receives new information
4 about a case, the applicant and the Commission shall agree upon an
5 appropriate extension of time to review the new information and
6 resolve the pending case.

7 SECTION 2. That the Indiana Utility Regulatory Commission
8 should review the pricing mechanism for line leasing and consider
9 various analyses, including market predictors. If the Commission uses
10 total element long run increment cost in its analysis, the Commission
11 shall consider actual fill utilization factors in the pricing mechanism.

12 SECTION 3. That the General Assembly supports the continued
13 deregulation of broadband and wireless communications and
14 encourages the Indiana Utility Regulatory Commission to adopt the
15 position of the General Assembly in the Commission's ongoing
16 proceedings.

17 SECTION 4. That the Indiana Utility Regulatory Commission



1 shall report to the General Assembly on anticompetitive behavior in the
2 telecommunications industry. The report must identify the
3 Commission's authority to address and resolve anticompetitive
4 behavior as well as additional authority the Commission needs to more
5 effectively address and resolve anticompetitive behavior. The report
6 may include additional information the Commission considers relevant.

7 SECTION 5. That the Indiana Utility Regulatory Commission
8 shall review its current application process for certificates of territorial
9 authority and report the Commission's findings to the General
10 Assembly.

11 SECTION 6. That the Indiana Utility Regulatory Commission
12 shall review the status of SBC's pending application to provide
13 intrastate, interLATA telecommunications services in Indiana and
14 report the status of the application to the General Assembly not later
15 than June 30, 2003.

16 SECTION 7. That the Indiana Utility Regulatory Commission
17 shall file with the General Assembly a preliminary report addressing
18 SECTIONS 1 through 5 of this resolution not later than September 31,
19 2003, and a final report addressing SECTIONS 1 through 5 of this
20 resolution not later than December 31, 2003.

21 SECTION 8. The Secretary of the Senate is hereby directed to
22 transmit copies of this Resolution to Chairman William McCarty of the
23 Indiana Utility Regulatory Commission and to Anne Becker, Utility
24 Consumer Counselor.

